RECEIVED 2001 CENTRAL FAX CENTER

Duane Morris

DUANE MORRIS LLP ONE LIBERTY PLACE PHILADELPHIA, PA 19103-7396 PHONE: 215.979.1000 FAX: 215.979.1020 MAR 0 8 2004

OFFICIAL

FACSIMILE TRANSMITTAL SHEET

To:

Examiner Ogden

FIRM/COMPANY:

USPTO

FACSIMILE NUMBER:

703.872.9306

CONFIRMATION TELEPHONE:

FROM:

Richard A. Paikoff

DIRECT DIAL:

215.979.1853

DATE:

March 8, 2004

USER NUMBER:

9305

FILE NUMBER:

D5228-00021

TOTAL # OF PAGES: (INCLUDING COVERSHEET)

4

MESSAGE:

U.S. Patent Application Serial No. 10/068,365

Filed: February 5, 2002 STABLE EMULSIONS

Attached is a Terminal Disclaimer for the above matter.

NOTE: Original will not follow

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

If there is a problem with this transmission, please call us as soon as possible at 215.979.1021.

Under the Panerwork Reduction Act of 1995 TRANSMITTAL FORM	Application Number Filing Date	Tand Trademark Office; n of Information unless i 10/068,365 February 5, 2002	PTO/SB/21 (02-04) a through 07/31/2008. OMB 0651-0031 U.S. DEPARTMENT OF COMMERCE t displays a valid OMB control number.	
to be used for all common dance and inter-	Art Irali	David James		
and the state of t		1751		
	Examiner Name	Necholus Ogden, Jr.		
Total Number of Pages In This Submission	4 Attorney Docket Number	3810-10-1 (05228-0002	21)	
ENCLOSURES (Check all that apply)				
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53	Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) Remarks	to Tec Apper of App Appai (Apper Propri Status Other	Allowance communication chnology Center (TC) al Communication to Board peals and Interferences al Communication to TC at Notice, Brief, Reply Brief) etary Information a Letter Enclosure(s) (please by below):	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm Richard A. Paikoff or Individual name	bell			
CE	RTIFICATE OF TRANSMISSION/	MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.				
Typed or printed name Richard A. Palkoff				
Signature Richard	A. Parkoff	Da	ate March 8, 2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, ahould be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/28 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING	Docket Number (Optional)		
REJECTION OVER A PRIOR PATENT	3610-10-1 (D522B-00021)		
In re Application of: David James			
Application No.: 10/068,365	.v.		
Filed: February 5, 2002			
For: STABLE EMULSIONS			
The owner*, Dow Corning Australia Pty. Ltd., of 100 percent interest in the find disclaims, except as provided below, the terminal part of the statutory term of any patent granted which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. shortened by any terminal disclaimer, of prior Patent No. 6,358,898. The owner her so granted on the instant application shall be enforceable only for and during such period that commonly owned. This agreement runs with any patent granted on the instant application and its successors or assigns.	d on the instant application, 154 and 173, as presently aby agrees that any patent it and the prior patent are		
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.			
Check either box 1 or 2 below, if appropriate.			
For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
2. The undersigned is an attorney or agent of record.			
Richard A. Parkoff	3/8/04		
Signature	Date		
Richard A, F	Richard A, Palkoff		
	Typed or printed name		
215.070.1	215-979-1853		
	Telephone Number		
Terminal disclaimer fee under 37 CFR 1.20(d) included.			
WARNING: Information on this form may become public. Credit card information sh	ould not		
be included on this form. Provide credit card information and authorization on PTO-2038.			
"Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner Form PTO/S8/96 may be used for making this certification. See MPEP § 324.	r).		

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.